

# EXHIBIT

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**DECLARATION OF MARCIA MAHANEY,**  
**DIRECTOR OF ADMINISTRATION**  
**MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES**

I, Marcia Mahaney, being first duly sworn upon my oath, do hereby state as follows:

1. I am the Director of Administration for the Missouri Department of Health and Senior Services (DHSS). I am also a resident of Missouri and over the age of majority. I have personal knowledge of the facts in this declaration, and those facts are true and correct to the best of my knowledge.

2. In the performance of its statutory duties, DHSS participates with the federal government on a variety of programs, including as a contractor to the Federal government, and receives federal funds for the completion of certain responsibilities.

3. Programs where DHSS acts as a federal contractor include the following:

- a. The DHSS is a contractor for the Food Inspection Program. The DHSS currently has a contract for food establishment inspections with the Food and Drug Administration. The amount paid to the DHSS pursuant to this contract was approximately \$391,859 for Fiscal Year 2021 (July 1, 2020 to June 30, 2021). The amount of that contract exceeds the simplified acquisition threshold defined in Section 2.101 of the Federal Acquisition Regulation.

- b. The DHSS is a contractor for the Vital Statistics Program. The DHSS currently has a contract for enumeration of birth with the Social Security Administration. The amount paid to the DHSS pursuant to this contract was approximately \$265,142 for Fiscal Year 2021 (July 1, 2020 to June 30, 2021). The amount of that contract exceeds the simplified acquisition threshold defined in Section 2.101 of the Federal Acquisition Regulation.
- c. The DHSS is a contractor for the Vital Statistics Program. The DHSS currently has a contract for vital records for the Vital Statistics Cooperative Program with the Centers for Disease Control and Prevention. The amount paid to the DHSS pursuant to this contract was approximately \$334,324 for Fiscal Year 2021 (July 1, 2020 to June 30, 2021). The amount of that contract exceeds the simplified acquisition threshold defined in Section 2.101 of the Federal Acquisition Regulation.

4. The following received all or a portion of their salaries from funds provided under the federal contract:

- a. At least 24 employees of the DHSS received all or a portion of their salaries for Fiscal Year 2021 from funds provided under the federal contract for duties related to the Food Inspection Program.

- b. At least 22 employees of the DHSS received all or a portion of their salaries for Fiscal Year 2021 from funds provided under the federal contract for duties related to the Vital Statistics Program.

5. Based on the general percentage of Missourians who have chosen not to take a COVID-19 vaccine, I anticipate that the federal vaccine mandate will lead to a significant number of employees of DHSS quitting. Conversely, I anticipate that the agency will be compelled to terminate valuable employees for non-compliance pursuant to the federal vaccine mandate.

6. Employees potentially terminated by the agency pursuant to the federal vaccine mandate would likely apply for unemployment benefits. Assuming such benefits were granted, this would impose a significant financial cost to the agency.

7. The recruitment of qualified employees is a significant consideration by the agency. I anticipate that the federal vaccine mandate will limit the number of potential applicants and make agency recruitment more difficult. I anticipate that such issues of resignations and recruitment will interfere with the agency's ability to administer state services pursuant to its statutory duties.

8. Given the broad scope of the federal vaccine mandate, the concerns set forth in paragraphs 5 to 7 will apply to many other employees of DHSS, even those whose salaries are not directly funded by federal contracts.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the

foregoing is true and correct.

Executed on this 4th day of November, 2021.

A handwritten signature in blue ink, appearing to read "Marcia Mahaney", is written over a horizontal line.

Marcia Mahaney  
Director of Administration  
Missouri Department of DHSS